

500.32032CC6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: K. MATSUBARA, et al.
Serial No.: 09/132,085
Filed: August 10, 1998
For: DATA PROCESSING APPARATUS HAVING A
FLASH MEMORY BUILT-IN WHICH IS
REWRITABLE BY USE OF EXTERNAL DEVICE
Group: 2818
Examiner: V. Le

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JUN 13 2002

OFFICE OF THE SPECIAL
PROGRAMS EXAMINER

TECHNOLOGY CENTER 2800

JUN -6 2002

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PETITION TO WITHDRAW ERRONEOUS HOLDING OF ABANDONMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

June 6, 2002

Sir:

Applicants, through their undersigned representative, petition for the withdrawal of the erroneous holding of abandonment in connection with the above-identified application. Applicants have recently learned that the above-identified application was abandoned for failure to pay the required Issue Fee within the statutory period of three-months from the mailing date of December 9, 1999 of a Corrected Notice of Allowance. However, neither that Corrected Notice of Allowance of December 9, 1999, nor the Notice of Abandonment, mailed June 19, 2000, were received in the offices of the undersigned due to an error on the part of the United States Patent and Trademark Office (USPTO) in connection with the

undersigned's mailing address. (It is also noted that prior to the mailing of the above-referred to Corrected Notice of Allowance, an earlier Notice of Allowance was mailed on June 7, 1999. However, that earlier Notice of Allowance was also not received in the offices of the undersigned due to an error on the part of the USPTO in connection with the undersigned's mailing address.)

At the time of filing of the above-identified application, a Customer Number was included in the Utility Patent Application Transmittal (Form PTO/SB05) as it relates to the above-identified application. This Customer Number, it is noted, was provided in the correspondence address portion of that transmittal form, a copy of which is enclosed herewith as Exhibit A. This Customer Number, it is submitted, pertains to the new address of the offices of the undersigned, which is:

Antonelli, Terry, Stout & Kraus, LLP.,
Suite 1800
1300 North Seventeenth Street
Arlington, VA 22209

It is understood, according to U.S. practice, that the designation of a Customer Number in an application is controlling in terms of the correspondence address that is to be used by the USPTO, in case of multiple addresses. It is stated in MPEP §601.04, that "[u]nless the correspondence address is designated as the address associated with a Customer Number, a separate notification must be filed in each application for which a person is intended to receive

communication from the Office." §601.04 of the MPEP also states that " [s]pecial care should be taken in continuation or divisional applications to ensure that any change of correspondence address in a prior application is reflected in the continuation or divisional application." It also states that "applicant is required to identify the change of correspondence address in the continuation or divisional application to ensure that communications from the Office are mailed to the current corresponding address." With regard to the above-identified application, which was filed as a continuation application, it is noted that the immediately prior, parent application, Serial No. 08/941,254, now USP 5,844,843, contains into the official record thereof a Change of Correspondence Address transmittal directing the USPTO to employ the address corresponding to the Customer Number 020457, which Customer Number is the same as that provided in the transmittal papers (Exhibit A) of the subject application. Copies of the Change of Correspondence Address transmittal associated with the prior, parent application and USPTO mailroom stamped postcard receipt directed thereto are enclosed herewith as Exhibits B and C (please note attorney docket number 500.32032CC5 in Exhibit B relates to Serial No. 08/941,254, now USP 5,844,843.)

Noting that the change of correspondence address in the prior application is reflected by a Customer Number, in

accordance with USPTO Customer Number practice (see MPEP §403), and since this Customer Number was also provided in the correspondence address location of the Utility Patent Application Transmittal of the above-identified subject application, at least the minimum correspondence address identification requirements of applicants, as it relates to the subject application, have been met thereby ensuring that any and all future communications from the USPTO are mailed to the above-noted current correspondence address.

To reiterate, according to present USPTO policy, "any inconsistencies between the correspondence address resulting from a Customer Number being provided in an application for the correspondence address and any other correspondence address provided in that application would be resolved in favour of the address of the Customer Number," MPEP §403 (see page 403, second paragraph, left hand column of the manual.) Therefore, since a Customer Number has been appropriately provided at the time of filing the subject application, even though the copy of the original declaration contains an old address therein, it is understood that the address associated with the Customer Number provided is controlling if the Customer Number relates to a different (e.g., new) address.

In reviewing copies of the Notice of Allowability, the Notice of Allowance, and Notice of Abandonment papers obtained from the official file in the USPTO directed to the subject

application, via a Power to Inspect and Make Copies transmittal, it is noted that the correspondence address used therein, by the USPTO, is the old address contained in the original declaration, which old address is as follows:

Antonelli, Terry, Stout and Kraus
Suite 600
1919 Pennsylvania Avenue NW
Washington, DC 20006.

As is clearly seen, the USPTO failed to apply the correct new address associated with the submitted Customer Number in all of those papers, which new address is as follows:

Antonelli, Terry, Stout & Kraus, LLP.,
Suite 1800
1300 North Seventeenth Street
Arlington, VA 22209

Copies of the Notice of Allowability (PTOL-37) and Notice of Allowance, dated June 7, 1999, as well as the follow-up corrected Notice of Allowance, dated December 9, 1999, which re-set the three-month period for payment of the Issue Fee to be due instead on March 9, 2000, and the Notice of Abandonment, dated June 19, 2000, are attached hereto as Exhibits D, E, F and G, respectively. During the recent inspection of the official record of the subject application, kept in the USPTO, it was discovered that the USPTO mailed out a further communication on March 14, 2000, pertaining to an earlier filed IDS. It is noted that this further USPTO communication similarly contains the below-named Law Firm's old address. A copy of that

communication is also attached thereto as Exhibit H.

Apparently, due to the improper correspondence address on the above-referred to Notice of Allowability, Notice of Allowances and Notice of Abandonment papers, and, further, on the communication of March 14, 2000, these papers were not received in the office of the undersigned, namely, the offices of the below-named Law Firm.

The below-named Law Firm contains both a computer and manual docket system in which the Notice of Allowance and Notice of Allowability would have been docketed. If the above referred-to original Notice of Allowance of June 7, 1999 (Exhibit E) as well as the follow-up corrected Notice of Allowance of December 9, 1999 (Exhibit F) were received in the offices of the undersigned, an entry for the subject application would have been entered on the page (of our Firm's docket book) for the Issue Fee due date, that is on the page for September 7, 1999 with regard to the originally mailed Notice of Allowance and on the page for March 9, 2000 with regard to the corrected Notice of Allowance. A copy of the page for September 7, 1999 as well as a copy of the page for March 9, 2000 are attached hereto as Exhibits I and J, respectively.

As can be appreciated, no entry for the subject application (docket number 500.32032CC6) appears in connection with each of those dates. A careful inspection of the computer printout (Exhibit K) directed to the subject application also makes no

mention of the above-referred to Notice of Allowability, the two Notice of Allowances, and the Notice of Abandonment nor, for that matter, of the further communication of March 14, 2000. It is clearly apparent, therefore, that none of those papers were received in the offices of the undersigned, apparently, due to an incorrect address employed by the USPTO.

Since the Notice of Allowance and Notice of Allowability were not received in the offices of the undersigned, the application was erroneously abandoned. Accordingly, acceptance of this Petition as well as withdrawal of the erroneous holding of abandonment is respectfully requested.

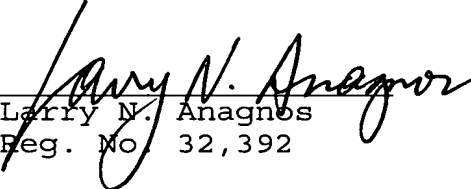
It is also respectfully requested that a new Official Notification of Allowability (Notice of Allowance and Notice of Allowability) be mailed to applicants using the above-noted new correspondence address and including a newly-set three-month period for paying the Issue Fee. It is also respectfully requested that the communication of March 14, 2000 (relating to Exhibit H) with the wrong correspondence address, such as noted above, be mailed again to applicants using the above-noted correct address in order to complete the record. In this connection, also, it is respectfully requested that an acknowledgment be mailed regarding the formal entry and consideration therefor, by the Examiner, of all prior filed Information Disclosure Statements (IDSs) not yet acknowledged, using the correct correspondence address, including the IDSs

of: April 2, 1999; July 30, 1999; Nov. 10, 1999 and Aug. 14, 2000.

Incidentally, applicants are concurrently filing herewith a further IDS (Information Disclosure Statement) directed to art documents cited in a recent Office Action in connection with a counterpart Japanese Patent Application. Acceptance and formal entry thereof is respectfully requested.

Kindly charge any shortage in the fees due in connection with the filing of this paper, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Dep. Acct. No. 01-2135 (500.32032CC6), and please credit any excess fees to such deposit account.

Respectfully submitted,
Antonelli, Terry, Stout, & Kraus, LLP.


Larry N. Anagnos
Reg. No. 32,392

LNA/dks
703-312-6600

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List of Exhibits

- Exhibit A: Utility Patent Transmittal Form (PTO-SB/05)
- Exhibit B: Change of Correspondence Transmittal form
in prior, parent application
- Exhibit C: Mailroom stamped postcard receipt re Change
of Correspondence Transmittal dated Sept.
30, 1997
- Exhibit D: Notice of Allowability (June 7, 1999)
- Exhibit E: Notice of Allowance (June 7, 1999)
- Exhibit F: Corr. Notice of Allowability (Dec. 9, 1999)
- Exhibit G: Notice of Abandonment (June 19, 2000)
- Exhibit H: PTO Communication (March 14, 2000)
- Exhibit I: Copy of Sept. 7, 1999 - Docket page
- Exhibit J: Copy of March 9, 2000 - Docket page
- Exhibit K: Computer printout of activity re docket
number 500.32032CC6

JC605 U.S. PTO



Please type a plus sign (+) inside this box → ☒

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/05 (12/97)
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.63(b))

| | | | |
|--|--------------|-------------|--|
| Attorney Docket No. | 500.32032CC6 | Total Pages | |
| First Named Inventor or Application Identifier | | | |
| Kiyoshi Matsubara, et al. | | | |
| Express Mail Label No. | | | |

86/01/80
JC605 U.S. PTO
500.32032CC6

APPLICATION ELEMENTS
See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee: \$1,416.00

Please charge any shortage in the fees or credit any overpayment thereof to the deposit account of Antonelli, Terry, Stout & Kraus, Deposit Account No. 01-2135.

6. ☐ Microfiche Computer Program (Appendix)

7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

a. ☐ Computer Readable Copy

b. ☐ Paper Copy (identical to computer copy)

c. ☐ Statement verifying identity of above copies

2. ☒ Specification incl. 41 cis. and abstr. (Total Pages 86)

3. ☒ Drawing(s) (35 USC 113) (Total Sheets 25)

4. Oath or Declaration (Total Pages 2)

a. ☐ Newly executed (original or copy)

b. ☒ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 17 completed) [Note Box 5 below]

L ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

5. ☒ Incorporation By Reference (useable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))

9. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney

10. ☐ English Translation Document (if applicable)

11. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations (L-S & AE-AK only in Form PTO-1449)

12. ☐ Preliminary Amendment

13. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)

14. ☐ Small Entity Statement filed in prior application. Status still proper and desired

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)

16. ☒ Other: Claim for foreign priority

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 08,941,254

18. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 020457
(Insert Customer No. or Attach bar code label here)

| | | | |
|---|-------------------------|----------|--------|
| 11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED | | | |
| NAME | Larry N. Anagnos | | |
| SIGNATURE | <i>Larry N. Anagnos</i> | | |
| DATE | August 10, 1998 | REG. NO. | 32,392 |

ANTONELLI, TERRY, STOUT & KRAUS, LLP
SUITE 1800
1300 NORTH SEVENTEENTH STREET
ARLINGTON, VIRGINIA 22209

TELEPHONE (703) 312-6600
FACSIMILE (703) 312-6666
E-MAIL email@antonelli.com

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CHANGE OF CORRESPONDENCE ADDRESS *Application*

Address to:
Assistant Commissioner for Patents
Washington, D.C. 20231

Application Number

Filing Date

September 30, 1997

First Named Inventor

Kiyoshi Matsubara, et al

Group Art Unit

2315

Examiner Name

K. Kim

Attorney Docket Number

500.32032CC5

Please change the Correspondence Address for the above-identified application to:



Customer Number

020457

Type Customer Number here

PATENT & TRADEMARK OFFICE



020457

OR

Firm or
Individual Name

Address

Address

City

State

ZIP

Country

Telephone

Fax

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the :



Applicant.



Assignee of record of the entire interest.
Certificate under 37 CFR 3.73(b) is enclosed.



Attorney or agent of record.

EXHIBIT

B

Typed or
Printed Name

Larry N. Anagnos, Registration No. 32,392

Signature

Date

September 30, 1997

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Patent ☒ Trademark ☐ 500.32032CC5

Serial No. _____ Filed Sept. 30, 1997

Applicant(s) K. Matsubara, et al.

Papers filed herewith on September 30, 1997

- ☒ Fees \$ 1,078.00 ☐ Assignment
- ☒ New/cont Application under 37 CFR 1.60 of appln. ☐ Letter to Draftsman
- ☒ Amendment Ser. No. 08/524,107 ☐ Priority Documents
- ☐ Notice of Appeal ☐ Petition for Ext. of Time
- ☐ Appeal Brief ☒ 25 Sheets of Formal Drawings
- ☒ Other R60 transm. form in dupl. (incl. copy of title pg., spec., cls., abstr., draw'gs. [Figs. 1A-25B] and declar.); Prel. Req. to Amd. the draw'gs. & att'd. red-lined prints; IDS & PTO-1449 & copy of ref's. listed therein; and Chg. of Corresp. Add.

68698 U.S. PTO
08/941254
09/30/97

Receipt is hereby acknowledged of the papers filed as indicated in connection with above identified case.

COMMISSIONER OF PATENTS AND TRADEMARKS

46552/LNA



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



| | | | |
|--------------------|-------------|-----------------------|---------------------|
| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|--------------------|-------------|-----------------------|---------------------|

09/132.085 08/10/98 MATSUBARA K 500.32032CC6

MM41/0607

ANTONELLI TERRY STOUT & KRAUS
SUITE 600
1919 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20006

| |
|----------|
| EXAMINER |
|----------|

LE.V

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2818

8

DATE MAILED: 06/07/99

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- ☒ This communication is responsive to a response filed on 3/29/99
- ☒ The allowed claim(s) ~~is~~ are 1-41
- ☒ The drawings filed on 8/10/98 are acceptable.
- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- ☐ Applicant MUST submit NEW FORMAL DRAWINGS
- ☐ because the originally filed drawings were declared by applicant to be informal.
- ☐ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____
- ☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.
- ☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

- ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Notice of Draftperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Interview Summary, PTO-413
- ☐ Examiner's Amendment/Comment
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Examiner's Statement of Reasons for Allowance

Vu A. Le
Vu A. Le
Primary Examiner



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office



NOTICE OF ALLOWANCE AND ISSUE FEE DUE

MM41/0607

ANTONELLI TERRY STOUT & KRAUS
SUITE 600
1919 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20006

| APPLICATION NO. | FILING DATE | TOTAL CLAIMS | EXAMINER AND GROUP ART UNIT | DATE MAILED |
|-----------------------|--|--------------|-----------------------------|---------------|
| 09/132,085 | 08/10/98 | 041 | LE. V | 2818 06/07/99 |
| First Named Applicant | MATSUBARA, 35 USC 154(b) term ext. = 0 Days! | | | |

FILE OF DATA PROCESSING APPARATUS HAVING A FLASH MEMORY BUILT-IN WHICH IS
/ENTION REWRITABLE BY USE OF EXTERNAL DEVICE

| ATTY'S DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPLN. TYPE | SMALL ENTITY | FEE DUE | DATE DUE |
|-------------------|----------------|-----------|-------------|--------------|-----------|----------|
| 2 500.32032006 | 365-185.240 | 007 | UTILITY | NO | \$1210.00 | 09/07/99 |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

HOW TO RESPOND TO THIS NOTICE:

Review the SMALL ENTITY status shown above.
If the SMALL ENTITY is shown as YES, verify your
current SMALL ENTITY status:

- If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- Pay FEE DUE shown above, or
- File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

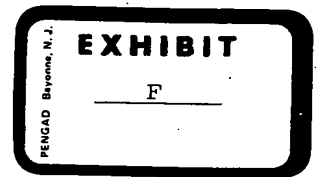
All communications regarding this application must give application number and batch number.
Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY



UNITED STATES DEPARTMENT OF
Patent and Trademark Office



NOTICE OF ALLOWANCE AND ISSUE FEE DUE

****CORRECTED COPY****

MM41/1209

ANTONELLI TERRY STOUT & KRAUS
SUITE 600
1919 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20006

| APPLICATION NO. | FILING DATE | TOTAL CLAIMS | EXAMINER AND GROUP ART UNIT | DATE MAILED |
|-----------------------|--------------------|--------------|-----------------------------|---------------|
| 09/132,085 | 08/10/98 | 041 | LE, V | 2818 12/09/99 |
| First Named Applicant | MATSUBARA, KIYOSHI | | | |

TITLE OF INVENTION
DATA PROCESSING APPARATUS HAVING A FLASH MEMORY BUILT-IN WHICH IS
REWRITABLE BY USE OF EXTERNAL DEVICE

| ATTY'S DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPLN. TYPE | SMALL ENTITY | FEE DUE | DATE DUE |
|-------------------|----------------|-------------|-------------|--------------|-----------|----------|
| 2 | 500.32032006 | 365-185.240 | U07 UTILITY | NO | \$1210.00 | 03/09/00 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

- I. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.
- II. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|--------------------|-------------|-----------------------|---------------------|
|--------------------|-------------|-----------------------|---------------------|

09/132,085 08/10/98 MATSUBARA K 500.32032006

7542/0619
ANTONELLI TERRY STOUT & KRAUS
SUITE 600
1919 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20006

EXAMINER

LE, V
ART UNIT PAPER NUMBER

2824

13

DATE MAILED:

06/19/00

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on _____.
- ☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).
- ☐ No response has been received.
- ☒ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- ☐ The submitted issue fee of \$_____ is insufficient. The issue fee required by 37 CFR 1.18 is \$_____.
- ☒ The issue fee has not been received.
- ☒ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- ☐ The proposed new formal drawings filed _____ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

**ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-8380**



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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| | | |
|------------|----------------------|---------------------|
| SERIAL NO. | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
| 09/132085 | 08/10/98 MATSUBARA | K 500.32032006 |

MM41/0314
ANTONELLI TERRY STOUT & KRAUS
SUITE 600
1919 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20006

| | |
|----------|--------------|
| EXAMINER | |
| Vu Le | |
| ART UNIT | PAPER NUMBER |
| 2824 | 12 |

DATE MAILED: 03/14/00

Please find below a communication from the SUPERVISORY EXAMINER in charge of this application.

Commissioner of Patents

**DECISION ON PETITION UNDER 37 CFR §1.97 FOR CONSIDERATION OF INFORMATION
DISCLOSURE STATEMENT**

The petition filed November 10, 1999 under 37 CFR §1.97(d) for consideration of an information disclosure statement filed after allowance has been:

☒ GRANTED.

☐ DENIED.

☐ It was filed after payment of the issue fee. See 37 CFR §1.97(d)(2).

☐ It was filed after the patent grant.

The petition lacks:

☐ The required fee under 37 CFR §§1.97(d) and 1.17(i)(1).

☐ A proper certification as specified in 37 CFR §§1.97(d) and 1.97(e).

☐ The information disclosure statement has been placed in the file and made of record but will not be considered by the examiner.

☒ IDS CONSIDERED.

The examiner has considered the IDS. See accompanying copy of PTO 1449, or Paper No. _____.

RICHARD ELMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

TECHNOLOGY CENTER 2800

JUN - 6 2002

RECEIVED

SEPTEMBER

7

TUESDAY

EXHIBIT

I

1999 0th day - 115 days follow

500.367360X1 5396603 ~~XXXXXXXX~~ 9/8
 500.334450X2 Yamashita 030766 ~~XXXXXXXX~~ UND 9/7
 " " " " ~~XXXXXXXX~~ UND
 520.35800X00 Yamamura 962730 ~~XXXXXXXX~~ UND 9/7
 475.34960X00 Borsi 736696 ~~XXXXXXXX~~ UND 9/7
 " " " " ~~XXXXXXXX~~ UND 5/10
 501.279320X7 Murakami 035104 ~~XXXXXXXX~~ UND 9/7
 500.33458X00 Asai 363331 ~~XXXXXXXX~~ UND 9/7
 " " " " ~~XXXXXXXX~~ UND 9/7
 501.34084X00 Kano 1003162 ~~XXXXXXXX~~ UND 9/7
 " " " " ~~XXXXXXXX~~ UND 9/7
 500.35352X00 Matsuyoshi 833106 ~~XXXXXXXX~~ UND 9/7
 512.36185X00 Hecup 066936 ~~XXXXXXXX~~ UND 9/7
 " " " " ~~XXXXXXXX~~ UND 9/7
 518.35217X00 Sakagashi 827596 ~~XXXXXXXX~~ UND 9/7
 520.34824X00 Kato 705251 ~~XXXXXXXX~~ UND 9/7
 618.35894X00 Fohama 992022 ~~XXXXXXXX~~ UND 9/7
 " " " " ~~XXXXXXXX~~ UND 9/7
 503.34204X00 Goto 063487 ~~XXXXXXXX~~ UND 9/7
 219.37092X00 Kooi 03773 ~~XXXXXXXX~~ UND 9/7
 " " " " ~~XXXXXXXX~~ UND 9/7
 555.36470X00 FILE CIP AES10jm
 715.37273X00 LONDERO IDS AES 9/7

520.34117X00 Masuda 547763 ~~XXXXXXXX~~ UND 9/7
 " " " " ~~XXXXXXXX~~ UND 9/7
 51.35917X00 Ashikawa 016300 ~~XXXXXXXX~~ UND 9/7
 " " " " ~~XXXXXXXX~~ UND 9/7
 512.35877X00 Jiras 994991 ~~XXXXXXXX~~ UND 9/7
 " " " " ~~XXXXXXXX~~ UND 9/7
 321.35584X00 Wackhauch 894380 ~~XXXXXXXX~~ UND 9/7
 " " " " ~~XXXXXXXX~~ UND 9/7
 503.35585X00 Sakagashi 912832 ~~XXXXXXXX~~ UND 9/7
 " " " " ~~XXXXXXXX~~ UND 9/7
 300.279320X7 Murakami 035104 ~~XXXXXXXX~~ UND 9/7
 503.36114X10 FILE ON APPS UND 9/7
 520.34117X00 ROLL 1 WEEK file cont app mk/est/bund
 220.31547X00 KODAMA New App 7134 ✓ 9/7
 022.37554X00 New App 116392 DRA ✓ 9/7
 167.3752X00 OH New App X1451/P98/ETUS DES 9/7
 767.37563X00 Choi X1470/P98/ETUS New App. DES ✓

9/7/99 RJP

87.36802X00 KWAK. P98/ETUS New App DES

SEPTEMBER

7

TUESDAY

1999 250th day - 115 days follow

503.35585X00 ~~Issue Fee~~

503.35585X00 ~~Formal Draws.~~

503.35585X00 ~~filed today~~

501.34199X00 - IF due

took signed PTOLESA to Dktg on 9/2.

filed today -

503.35585X00 - IF, Corrected Int'l Drawg
Change of address

500.32032007- 3120mdt

2000 69th day - 297 days follow



THURSDAY

9 MARCH

| | | | | |
|--------------|------------|--------|----------------|----------|
| 503.35287x00 | Selayang | 055820 | Uppal Gang Eop | pis 619 |
| 500.32576x02 | Urusida | 742103 | Uppal Gang Eop | pis |
| 500.36289x00 | Oraniku | 086411 | Uppal Gang Eop | pis 1/10 |
| 30.34619x03 | Kotajile | 918538 | Uppal Gang Eop | pis |
| 512.35719x01 | Polakuru | 958930 | Uppal Gang Eop | pis 1219 |
| 24.36238x00 | Elachimoto | 092003 | Uppal Gang Eop | pis 1219 |
| 201.257130x4 | Aushana | 957732 | Uppal Gang Eop | pis |
| 500.35853x00 | Muta | 975670 | Uppal Gang Eop | pis |
| 648.351230x1 | Kokubun | 774908 | Uppal Gang Eop | pis |
| 500.36245x00 | Seliquchi | 101388 | Uppal Gang Eop | pis |
| 00.36746x00 | Araku | 190250 | Uppal Gang Eop | pis |

012.37921x00 BULCHET KEDOOD IDS DUE AE V

3/1/00

503.38281x00 DOI P4759/m+ MK

566.38307x00 KAWATA New App H0148801/20001PUSA-608

THURSDAY

9

MARCH

2000 69th day – 297 days follow

AT-A-GLANCE®

OPER WSM ENTERED 3/26/1999 MODIFIED 5/8/2002 ATTORNEYS LNA / LNA T
 PRINTED ON: 6/4/2002
 ATSK# 500.32032CC6 CENTRY US UNITED STATES NEW/CON CON RELATED 500.32032CC5
 PATS# P07707US2 TYPE UTL SERIAL# 132,085 PATENT# STAT PENDING
 TITLE DATA PROCESSING APPARATUS HAVING A BUILT-IN FLASH MEMORY WHICH IS REWRITABLE BY USE OF AN EXTERNAL DEVICE RL/FM
 CLIENT 500 ASAMURA PATENT OFFICE 1 CREF SE ART
 AGENT AREF CLAIMS
 PRIOR MAIL FILE 8/10/1998 PUBL ISSUE EXP 1ST

| ID | O | ACTION | BASE | DUE IN | DUE | EXTNS | FINAL | EXT | RESPONSE | CALL | 1 | 2 | P |
|--|---|------------------|------------|--------|-----------|-------|-----------|-----|-----------|------|---|---|---|
| RE | N | RESPONSE TO OA | 11/30/1998 | 3M | 2/28/1999 | 31 | 5/30/1999 | 1 | 3/29/1999 | 1M | Y | Y | N |
| RESPONSE/PET OF TIME/TERMINAL DISCLAIMER | | | | | | | | | | | | | |
| | Y | IDS FILED | 4/2/1999 | | | | | | | | Y | Y | N |
| ID | N | IDS DUE | 8/7/1999 | 0M | 8/7/1999 | | 8/7/1999 | 0 | 7/30/1999 | 1M | Y | Y | N |
| ID | N | IDS DUE | 5/12/2000 | 3M | 8/12/2000 | | 8/12/2000 | 0 | 8/14/2000 | 1M | Y | Y | N |
| | Y | IDS'S FILED | 9/20/2000 | | | | | | | | | | |
| | Y | POWER TO INSPECT | 5/8/2002 | | | | | | | | | | |
| ID | N | IDS DUE | 6/26/2002 | 0M | 6/26/2002 | | 6/26/2002 | 0 | | 1M | Y | Y | N |

INVENTORS

MATSUBARA, KIYOSHI

PRIOR APPLICATIONS

| REFERENCE# | CENTRY | SERIAL# | FILED | TITLE / DESCRIPTION | TYPE |
|--------------|--------|---------|-------|---|------|
| 500.32032CC5 | US | 941,254 | | DATA PROCESSING APPARATUS HAVING A BUILT-IN FLASH MEMORY WHICH IS REWRITABLE BY USE OF AN EXTERNAL DEVICE | APPL |

NOTES

02/24/99 FX/COMMS INSTR TO FILE TERMINAL DISCLAIMER
 04/01/99 FAX/COMMS RE FILING IDS
 06/28/99 LTR/IDS
 06/12/00 LTR/IDS
 4/29/02 LTR/IDS

